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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CENTURY 21 DEPARTMENT STORES LLC, *et al.*¹

Debtors.,

Chapter 11

Case No. 20-bk-12097 (SCC)

Jointly Administered

¹1 The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are Century 21 Department Stores LLC (4073), L.I. 2000, Inc. (9619), C21 Department Stores Holdings LLC (8952), Giftco 21 LLC (0347), Century 21 Fulton LLC (4536), C21 Philadelphia LLC (2106), Century 21 Department Stores of New Jersey, L.L.C. (1705), Century 21 Gardens of Jersey, LLC (9882), C21 Sawgrass Blue, LLC (8286), C21 GA Blue LLC (5776), and Century Paramus Realty LLC (5033). The Debtors' principal place of business is: 22 Cortlandt Street, 5th Floor, New York, NY 10007.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

Century 21 Department Stores LLC, 66 Pearl Retail, LLC, 66 Pearl Retail II, LLC, 66 Pearl Retail ISG, LLC, 173 Bway Blue LLC, 262 Mott Blue TIC LLC, 444 86 BLUE LLC, MIAMI DD 101 BLUE LLC, 28 NEWBURY JSRE TIC LLC, TRUE BLUE ASSOCIATES LLC, STAR OF DAVID, IRAYMOND-77 WARREN LLC, SABRA ASSOCIATES LLC, 315 SEVENTH RETAIL LLC, WEBWAY ASSOCIATES LLC, AND CENTURY 21 INC.

Plaintiffs,

v.

STARR SURPLUS LINES INSURANCE CO., ALLIANZ GLOBAL RISKS US INSURANCE CO., AXIS SURPLUS LINES INSURANCE CO., LIBERTY MUTUAL FIRE INSURANCE CO., STEADFAST INSURANCE CO., ENDURANCE AMERICAN SPECIALTY INSURANCE CO., EVANSTAN INSURANCE CO., LANDMARK AMERICAN INSURANCE CO., and CERTAIN UNDERWRITERS AT LLOYDS SUBSCRIBING TO POLICY Nos. PG1902704, PG1902346, PG1902696, PG1902698, PG1902707, PG1902702, and PG1902712

Defendants.

Adv. Proc. No. 20-1222 (SCC)

STATEMENT OF DEFENDANT AXIS SURPLUS INSURANCE COMPANY
i/s/h/a AXIS SURPLUS LINES INSURANCE CO.
PURSUANT TO FED. R. BANKR. P. 9027(e)(3)

Defendant AXIS Surplus Insurance Company *i/s/h/a* Axis Surplus Lines Insurance Co. (“AXIS”), by and through undersigned counsel, hereby files this statement pursuant to Fed. R. Bankr. P. 9027(e)(3).

1. Plaintiffs originally brought the above-referenced insurance coverage action in the Supreme Court of the State of New York, County of New York (Index No. 652975/2020) on July 8, 2020 (the “Insurance Action”).

2. Plaintiffs served the Complaint in the Insurance Action on AXIS on or about August 6, 2020.

3. On September 11, 2020, Plaintiffs removed their own action to the United States District Court for the Southern District of New York so that the matter could be transferred to this Court, even though only one Plaintiff, Century 21 Department Stores, LLC, is a debtor in the voluntary petition for Chapter 11 bankruptcy and there is no diversity jurisdiction.

4. On September 22, 2020, pursuant to the District Court’s Amended Standing Order of Reference (M10-468), this proceeding was referred to this Court (the “Bankruptcy Court”)[Docket No. 1].

5. AXIS denies that the Insurance Action constitutes a core proceeding under 28 U.S.C. 157(b)(2)(A), (C) or (O) or otherwise.

6. Accordingly, pursuant to 28 U.S.C. § 157(c)(2) and Rule 9027(e)(3) of the Federal Rules of Bankruptcy Procedure, AXIS hereby states that it does not consent to the entry of final orders or judgments by the Bankruptcy Court.

7. AXIS does not waive and expressly reserves all of its respective rights, claims, defenses and remedies, including without limitation: (a) the right to request that the Court abstain from hearing this proceeding or remand this proceeding; (b) the right to demand a jury trial; and (c) the right to request that the reference of this proceeding to this Court be withdrawn.

Dated: New York, New York
October 5, 2020

KENNEDYS CMK LLP

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CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of October 2020, a true and correct copy of the foregoing Statement of Axis Surplus Insurance Company Pursuant to Fed. R. Bankr. P. 9027(e)(3) was served upon all counsel of record using the Court's CM/ECF system.

KENNEDYS CMK LLP

/s/ Kristin V. Gallagher
Kristin V. Gallagher, Esq.